

Back to the main subject here, which is the farm bill. This is a good bill for farmers. This is a good bill for people who are vulnerable, who have been shortchanged by the administration in the Republican Congresses when it comes to food security. This is a good bill for America.

I congratulate the distinguished gentlelady from Connecticut for working together so hard to put together a bill we can be proud of. Vote "yes" on the previous question, and vote "yes" on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 581 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

Sec. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the bill (H.R. 3138) to amend the Foreign Intelligence Surveillance Act of 1978 to update the definition of electronic surveillance. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what

they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative Plan.

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title.

H. Con. Res. 175. Concurrent resolution expressing the sense of Congress that courts with fiduciary responsibility for a child of a deceased member of the Armed Forces who receives a death gratuity payment under section 1477 of title 10, United States code, should take into consideration the expression of clear intent of the member regarding the distribution of funds on behalf of the child.

LILLY LEDBETTER FAIR PAY ACT OF 2007

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, proceedings will now resume on the bill (H.R. 2831) to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities

Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Monday, July 30, 2007, 6 minutes remained in debate.

The gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. MCKEON) each control 3 minutes.

Mr. ANDREWS. Madam Speaker, in order to speak in favor of this restoration of the law, I am pleased to acknowledge the majority leader of the House for 1 minute.

Mr. HOYER. I thank the gentleman.

Madam Speaker, when the Supreme Court wrongly decides a case, as they do from time to time, particularly when congressional intent is at issue, the United States Congress can and should act to remedy it. That is precisely what this carefully crafted measured legislation, the Ledbetter Fair Pay Act of 2007, is designed to do.

I thank the gentleman from New Jersey (Mr. ANDREWS), and I thank the ranking member as well for the work that they do on this committee.

Make no mistake. The Court's 5-4 decision on May 29 in *Ledbetter v. Goodyear* was wrongly decided. The merits of Lilly Ledbetter's wage discrimination claim seemed beyond doubt. A Federal jury agreed that she was discriminated against. The Equal Employment Opportunity Commission agreed with Ms. Ledbetter's claims, although the Bush administration switched its position once the case got to the Supreme Court.

Most importantly, Lilly Ledbetter was paid less than all of her male counterparts, all of her male counterparts, even those who had less seniority. This clearly was not a case where her performance was suspect. Goodyear gave her a top performance award in 1996.

The fact is, the Court majority took an extremely cramped view of the title VII of the Civil Rights Act, holding that Ms. Ledbetter and claimants like her must file their pay discrimination claims within 180 days of the original discriminatory act. In other words, even if the discriminatory acts continued, every week, every biweek, every month, that they would have to look back to the original first check.

There are at least three serious problems with the Court's flawed analysis. First, the unlawful discrimination against Ms. Ledbetter did not begin and end with Goodyear's original decision to pay her less than they paid her male counterparts.

In fact, every paycheck that Lilly Ledbetter received after Goodyear's decision to pay her less was a continuing manifestation of Goodyear's illegal discrimination. As Justice Ginsburg said